

Executive Summary – Enforcement Matter – Case No. 47016
Country Club Retirement Community, L.P.
RN105460646
Docket No. 2013-1118-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Country Club Retirement Community WWTF, located at the northwest corner of the intersection of Country Club Road and Farm-to-Market Road 933, and approximately two miles north of Whitney, Hill County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 25, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,987

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$3,987

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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RN105460646
Docket No. 2013-1118-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 29, 2013

Date(s) of NOE(s): May 23, 2013

Violation Information

1. Failed to timely submit discharge monitoring reports ("DMRs") by the 20th day of the following month for the monitoring periods ending May 31, 2012 through January 31, 2013 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014871001, Monitoring and Reporting Requirements No. 1].
2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014871001, Sludge Provisions].
3. Failed to timely submit the monitoring results for biochemical oxygen demand (5-day) for the monitoring period ending March 31, 2012 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0014871001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

a. By June 17, 2013:

- i. Submitted the DMRs for the monitoring periods ending May 31, 2012 through January 31, 2013; and
- ii. Submitted the monitoring results for biochemical oxygen demand (5-day) for the monitoring period ending March 31, 2012.

b. By July 23, 2013, submitted the annual sludge report for the monitoring period ending July 31, 2012.

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Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of complete, signed, and certified DMRs; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Remington Burklund, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2611; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Michael Ward, Owner, Country Club Retirement Community, L.P., P.O. Box 2576, Whitney, Texas 76692
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ	DATES	Assigned	28-May-2013	Screening	7-Jun-2013	EPA Due	
	PCW		24-Jun-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Country Club Retirement Community, L.P.		
Reg. Ent. Ref. No.	RN105460646		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47016	No. of Violations	3
Docket No.	2013-1118-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Remington Burklund
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$2,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **45.0%** Enhancement **Subtotals 2, 3, & 7** \$1,237

Notes Enhancement for one NOV with same/similar violations and two agreed orders that contain a denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit **0.0%** Enhancement* **Subtotal 6** \$0

Total EB Amounts \$33
Approx. Cost of Compliance \$550

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$3,987

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$3,987

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$3,987

DEFERRAL **0.0%** Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$3,987

Screening Date 7-Jun-2013

Docket No. 2013-1118-MWD-E

PCW

Respondent Country Club Retirement Community, L.P.

Policy Revision 3 (September 2011)

Case ID No. 47016

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105460646

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations and two agreed orders that contain a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 7-Jun-2013

Docket No. 2013-1118-MWD-E

PCW

Respondent Country Club Retirement Community, L.P.

Policy Revision 3 (September 2011)

Case ID No. 47016

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105460646

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014871001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit discharge monitoring reports ("DMRs") by the 20th day of the following month for the monitoring periods ending May 31, 2012 through January 31, 2013, as documented during a record review conducted on April 29, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 9

372 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,250

Nine single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$3,263

This violation Final Assessed Penalty (adjusted for limits) \$3,263

Economic Benefit Worksheet

Respondent Country Club Retirement Community, L.P.
Case ID No. 47016
Reg. Ent. Reference No. RN105460646
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Jun-2012	1-Dec-2013	1.45	\$18	n/a	\$18
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$225	20-Jun-2012	17-Jun-2013	0.99	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to prepare and submit DMRs (\$25 per report) and update the Facility's operational guidance and conduct employee training to ensure that all reporting requirements are properly accomplished. Dates Required are the date the first DMR was due. The Final Dates are the date the DMRs were submitted and the expected date that training will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$475

TOTAL

\$29

Screening Date 7-Jun-2013

Docket No. 2013-1118-MWD-E

PCW

Respondent Country Club Retirement Community, L.P.

Policy Revision 3 (September 2011)

Case ID No. 47016

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105460646

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (17), and TPDES Permit No. WQ0014871001, Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012, as documented during a record review conducted on April 29, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

279 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent Country Club Retirement Community, L.P.
Case ID No. 47016
Reg. Ent. Reference No. RN105460646
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	1-Sep-2012	23-Jul-2013	0.89	\$2	n/a	\$2

Notes for DELAYED costs

The estimated cost to submit the annual sludge report. Date required is the date the annual sludge report was due. Final date is the date the sludge report was submitted. Delayed costs for operational guidance and employee training are addressed in the economic benefit for Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date 7-Jun-2013

Docket No. 2013-1118-MWD-E

PCW

Respondent Country Club Retirement Community, L.P.

Policy Revision 3 (September 2011)

Case ID No. 47016

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105460646

Media [Statute] Water Quality

Enf. Coordinator Remington Burklund

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(17) and 319.1, and TPDES Permit No. WQ0014871001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the monitoring results for biochemical oxygen demand (5-day) for the monitoring period ending March 31, 2012, as documented during a record review conducted on April 29, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

433 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent Country Club Retirement Community, L.P.
Case ID No. 47016
Reg. Ent. Reference No. RN105460646
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Apr-2012	17-Jun-2013	1.16	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prepare and submit the DMR (\$25 per report). Date Required is the date the DMR was due. The Final Date is the date of compliance. Delayed costs for operational guidance and employee training are addressed in the economic benefit for Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603323130, RN105460646, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603323130, Country Club Retirement Community, L.P. **Classification:** SATISFACTORY **Rating:** 14.75

Regulated Entity: RN105460646, COUNTRY CLUB RETIREMENT COMMUNITY WWTF **Classification:** SATISFACTORY **Rating:** 14.75

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 14 - Other

Location: LOCATED AT THE CORNER OF NORTHWEST OF THE INTERSECTION OF COUNTRY CLUB ROAD AND FARM TO MARKET ROAD 933, AND APPROXIMATELY TWO MILES NORTH OF THE CITY OF WHITNEY, HILL, TX, HILL COUNTY

TCEQ Region: REGION 09 - WACO

ID Number(s):
WASTEWATER EPA ID TX0131407 **WASTEWATER** PERMIT WQ0014871001

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: June 06, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 06, 2008 to June 06, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Remington Burklund **Phone:** (512) 239-2611

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 12/19/2011 ADMINORDER 2011-0883-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)
Rqmt Prov:Monitoring and Reporting Req. No. 1 PERMIT
Description: Failure to timely submit the DMRs for the monthly monitoring periods ending Sept. 30, 2009; Dec. 31, 2009, and January 31, 2010 through Aug. 31, 2010
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov:Sludge Provisions PERMIT
Description: Failure to timely submit annual sludge report for the monitoring period ending July 31, 2010

2 Effective Date: 02/03/2013 ADMINORDER 2012-0448-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Effluent Limits PERMIT

Description: Failed to comply with permitted effluent limitations.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov:Effluent Reporting Requirements PERMIT

Description: Failed to timely submit the monthly DMRs for the monitoring periods ending September 30, 2011, and October 31, 2011.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.4

Rqmt Prov:TPDES Permit No. WQ0014871001 PERMIT

Description: Failed to submit results at the intervals specified in the permit. Specifically, the Respondent failed to include the data for total suspended solids single grab sample on the DMR for the monitoring periods ending February 28, 2011, and March 31, 2011.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 28, 2009	(822184)
Item 2	June 09, 2011	(940255)
Item 3	September 30, 2011	(967616)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 02/13/2013 (1092265)	CN603323130
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

All NOV's Issued During Component Period 6/6/2008 and 6/6/2013

1	Date:	12/31/2009	(940258)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
2	Date:	01/31/2010	(940249)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
3	Date:	02/28/2010	(940250)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
4	Date:	03/31/2010	(940251)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
5	Date:	04/30/2010	(940252)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
6	Date:	05/31/2010	(940253)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
7	Date:	06/30/2010	(940254)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
8	Date:	08/31/2010	(940256)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				

9	Date:	01/31/2011	(967608)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
10	Date:	02/28/2011	(967609)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
11	Date:	03/31/2011	(967610)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
12	Date:	04/30/2011	(967611)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
13	Date:	05/31/2011	(967612)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
14	Date:	06/30/2011	(967613)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
15	Date:	07/31/2011	(967614)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				
16	Date:	08/31/2011	(967615)	CN603323130	Classification:	Moderate
	Self Report?	YES For Informational Purposes Only				
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
	Description:	Failure to meet the limit for one or more permit parameter				

17*	Date:	09/30/2011	(992896)	CN603323130	Classification:	Moderate				
	Self Report?	YES	For Informational Purposes Only							
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)								
	Description:	Failure to meet the limit for one or more permit parameter								
18*	Date:	10/31/2011	(986520)	CN603323130	Classification:	Moderate				
	Self Report?	YES	For Informational Purposes Only							
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)								
	Description:	Failure to meet the limit for one or more permit parameter								
19*	Date:	11/30/2011	(986521)	CN603323130	Classification:	Moderate				
	Self Report?	YES	For Informational Purposes Only							
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)								
	Description:	Failure to meet the limit for one or more permit parameter								
20*	Date:	12/31/2011	(1070989)	CN603323130	Classification:	Moderate				
	Self Report?	YES	For Informational Purposes Only							
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)								
	Description:	Failure to meet the limit for one or more permit parameter								
21*	Date:	01/31/2012	(1000244)	CN603323130	Classification:	Moderate				
	Self Report?	YES	For Informational Purposes Only							
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)								
	Description:	Failure to meet the limit for one or more permit parameter								
22*	Date:	02/29/2012	(1005750)	CN603323130	Classification:	Moderate				
	Self Report?	YES	For Informational Purposes Only							
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)								
	Description:	Failure to meet the limit for one or more permit parameter								
23*	Date:	03/31/2012	(1018706)	CN603323130	Classification:	Moderate				
	Self Report?	YES	For Informational Purposes Only							
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)								
	Description:	Failure to meet the limit for one or more permit parameter								
24*	Date:	04/30/2012	(1018707)	CN603323130	Classification:	Moderate				
	Self Report?	YES	For Informational Purposes Only							
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)								
	Description:	Failure to meet the limit for one or more permit parameter								

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

* NOVs applicable for the Compliance History rating period 9/1/2007 to 8/31/2012

Appendix B

All Investigations Conducted During Component Period June 06, 2008 and June 06, 2013

(822184)

Item 1* December 28, 2009** For Informational Purposes Only

(915186)

Item 2 May 13, 2011** For Informational Purposes Only

(940249)

Item 3 June 09, 2011** For Informational Purposes Only

(967608)

Item 4 September 30, 2011** For Informational Purposes Only

(986520)

Item 5 December 27, 2011** For Informational Purposes Only

(977104)

Item 6 January 17, 2012** For Informational Purposes Only

(1000244)

Item 7 February 08, 2012** For Informational Purposes Only

(1005750)

Item 8 March 19, 2012** For Informational Purposes Only

(1018706)

Item 9 May 09, 2012** For Informational Purposes Only

(1092265)

Item 10 February 13, 2013 For Informational Purposes Only

(1087220)

Item 11 May 24, 2013 For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2007 and 08/31/2012.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
COUNTRY CLUB RETIREMENT
COMMUNITY, L.P.
RN105460646**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1118-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Country Club Retirement Community, L.P. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at the northwest corner of the intersection of Country Club Road and Farm-to-Market Road 933, and approximately two miles north of the City of Whitney, in Hill County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on April 29, 2013, TCEQ staff documented that the Respondent failed to submit discharge monitoring reports ("DMRs") by the 20th day of the following month for the monitoring periods ending May 31, 2012 through January 31, 2013.
4. During a record review conducted on April 29, 2013, TCEQ staff documented that the Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012.
5. During a record review conducted on April 29, 2013, TCEQ staff documented that the Respondent failed to submit the monitoring results for biochemical oxygen demand (5-day) for the monitoring period ending March 31, 2012.
6. The Respondent received notice of the violations on May 28, 2013.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By June 17, 2013:
 - i. Submitted the DMRs for the monitoring periods ending May 31, 2012 through January 31, 2013; and
 - ii. Submitted the monitoring results for biochemical oxygen demand (5-day) for the monitoring period ending March 31, 2012.
 - b. By July 23, 2013, submitted the annual sludge report for the monitoring period ending July 31, 2012.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to timely submit DMRs by the 20th day of the following month for the monitoring periods ending May 31, 2012 through January 31, 2013, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014871001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on April 29, 2013.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. WQ0014871001, Sludge Provisions, as documented during a record review conducted on April 29, 2013.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to timely submit the monitoring results for biochemical oxygen demand (5-day) for the monitoring period ending March 31, 2012, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1, and TPDES Permit No. WQ0014871001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on April 29, 2013.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Three Thousand Nine Hundred Eighty-Seven Dollars (\$3,987) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Three Thousand Nine Hundred Eighty-Seven Dollar (\$3,987) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Thousand Nine Hundred Eighty-Seven Dollars (\$3,987) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Country Club Retirement Community, L.P., Docket No. 2013-1118-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:

- a. Within 30 days of the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of complete, signed, and certified DMRs, in accordance with TPDES Permit No. WQ0014871001.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification with Ordering Provision No. 2.a, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification required shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing",

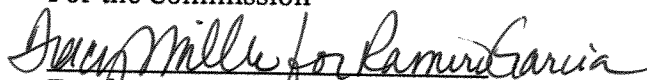
and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date

1.9.14

I, the undersigned, have read and understand the attached Agreed Order in the matter of Country Club Retirement Community, L.P. I am authorized to agree to the attached Agreed Order on behalf of Country Club Retirement Community, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Country Club Retirement Community, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

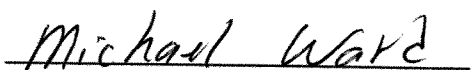
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

9-5-13
Date


Name (Printed or typed)
Authorized Representative of
Country Club Retirement Community, L.P.

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.